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April 8, 2009

2009 APR 16 A 11:31

Kathryn Lefebber, Esq.  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 6174, Dr. Jose Valdez

Dear Ms. Lefebber:

Pursuant to our letter to the Federal Election Commission ("FEC") dated March 24, 2009, and my telephone conversation with you on the same date, Dr. Jose Valdez hereby submits his Response to the FEC's finding that there is reason to believe he knowingly and willfully violated 2 U.S.C. §§ 441(f) and 441a(a). Pursuant to the FEC's request, this Response addresses the five issues identified on page four of the FEC's Factual and Legal Analysis Memorandum ("Memorandum"). This Response is submitted without prejudice pursuant to Federal Rule of Evidence 408 and Rule 68 of the Federal Rules of Civil Procedure solely for the purpose of settlement discussions in connection with pre-probable cause conciliation of this matter.

**I. The RGPC Fundraiser and Reimbursement of Contributions**

In May 2007, Dr. Valdez attended the Latino Coalition Small Business Conference in Washington, D.C. Dr. Valdez was the Senior Vice President for Health Care at Wellpoint, Inc., a major corporate sponsor of the Conference. Wellpoint employees Michael Ramseier, Steve Melody, and Rosario Chavez ("Wellpoint Employees"), as well as Wellpoint's Director of Strategic Support, Kenny Deng, also attended the Conference.

Prior to arriving at the Conference, Dr. Valdez invited the Wellpoint Employees, as well as Mr. Ramseier's and Mr. Melody's spouses, to a closed meeting with former presidential candidate, Rudy Giuliani, in connection with a fundraiser for the Rudy Giuliani Presidential Committee ("RGPC"). Dr. Valdez had applied to become an authorized fundraising agent for RGPC, and this fundraiser was the first event he was hosting and participating in as an authorized fundraising agent.

The Memorandum states that when Dr. Valdez and the Wellpoint Employees arrived at the RGPC Fundraiser, "Dr. Valdez informed the employees that they were required to contribute \$2,300 in order to attend the event. All three [Ramseier, Melody and Chavez] initially refused and protested that they did not want to contribute, but did so after Dr. Valdez said he would personally reimburse them and it was permissible to have their names used to make the contributions." (Memorandum at 2.) This is factually incorrect.

Shortly before the fundraiser's closed meeting with Mr. Giuliani began, Dr. Valdez went back to his hotel room because he was ill. He returned to the Conference area just before the

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closed meeting was scheduled to begin. As he was entering the meeting, Mr. Deng informed Dr. Valdez that RGPC would not accept one contribution check on behalf of Dr. Valdez and the Wellpoint Employees for their attendance at the closed meeting, and that each attendee would be required to make the contribution individually. Mr. Deng informed Dr. Valdez that he had taken care of it by directing the Wellpoint Employees to make the required contribution, including Mr. Ramseier's and Mr. Melody's spouses, and promised the Employees that Dr. Valdez would reimburse them for the contributions later that day.

After the closed meeting ended, Dr. Valdez issued one personal check in the amount of \$4,600 to Mr. Ramseier for the contribution he made on behalf of himself and his wife, and another personal check in the same amount to Mr. Melody for the contribution Mr. Melody made on behalf of himself and his wife. He gave the two personal checks to his friend, Dr. Pedram Salimpour, to give to Mr. Ramseier and Mr. Melody, as Dr. Salimpour was expected to see them at a dinner function later that evening, which Dr. Valdez was not scheduled to attend.

Dr. Valdez placed \$2,300 of his personal funds into an envelope to reimburse Ms. Chavez and gave it to Mr. Deng. He informed Mr. Deng of its contents and asked him to give Ms. Chavez the envelope when he saw her later that evening at the dinner function that Mr. Deng and the Wellpoint Employees were scheduled to attend.

Dr. Valdez made no other reimbursements other than those made to Michael Ramseier and his wife, Steve Melody and his wife, and Rosario Chavez.

## II. Dr. Valdez's Knowledge of Federal Campaign Finance Laws

The Memorandum states that "as an authorized fundraising agent, Dr. Valdez was required by RGPC to acknowledge in writing that he reviewed materials the campaign provided on campaign finance law, which included a section that made clear that contributions must be made from personal funds." (Memorandum at 3.) Dr. Valdez recalls receiving his solicitor number from RGPC prior to the fundraising event. However, he does not recall receiving any materials from the RGPC on campaign finance law, or acknowledging in writing that he had received or reviewed such materials.

At the time of the fundraising event, Dr. Valdez had received no training or education concerning federal campaign finance laws. He possessed a general understanding that he was allowed to contribute up to \$2,300 on his own behalf to a primary election, as well as \$2,300 for his spouse, and another \$2,300 for a general election, plus \$2,300 for his spouse, and believed the amount of a contribution could exceed the \$2,300 limit when made by a company or political action committee.

## III. Discussion

In reimbursing the Wellpoint Employees for their contributions, Dr. Valdez never sought to corrupt the integrity of the campaign, nor were the reimbursements part of some elaborate scheme to circumvent the federal campaign finance laws. This conduct was unique for Dr. Valdez, who never violated any campaign finance laws before this incident. Dr. Valdez regrets

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his conduct which caused the violations and is committed to resolving this matter with the FEC through pre-probable cause conciliation.

Please call me at (949) 369-3700 should you have any questions or need additional information. We look forward to hearing from you and resolving this matter.

Very Truly Yours,  
BIENERT, MILLER, WEITZEL & KATZMAN



Teresa Cespedes Alarcon, Esq.

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